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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
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11 UNITED STATES OF AMERICA,) 2:09-cr-00398-HDM-PAL
12 Respondent/Plaintiff,) 2:16-cv-01419-HDM
13) ORDER
14 vs.)
15 LARRY LAWTON,)
16 Petitioner/Defendant.)
_____)

17 Before the court is defendant's motion to voluntarily withdraw
18 his abridged motion to vacate, set aside, or correct his sentence
19 pursuant 28 U.S.C. § 2255 filed on October 7, 2016 (ECF No. 52). The
20 United States has not responded.

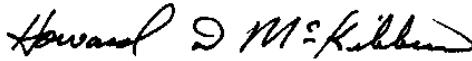
21 Defendant requests to withdraw his abridged § 2255 motion filed
22 on June 20, 2016 (ECF No. 51). The United States did not file an
23 opposition to the § 2255 motion. Accordingly, the court will allow
24 defendant to withdraw his abridged § 2255 motion. In granting the
25 motion to withdraw, the court makes no determination as to whether a
26 new § 2255 motion that defendant may file in the future would
27 constitute a second or successive motion and therefore require
28 certification from the Ninth Circuit Court of Appeals before being

1 filed in U.S. District Court. See 28 U.S.C. § 2255(h).

2 IT IS THEREFORE ORDERED that defendant's motion to voluntarily
3 withdraw his abridged motion to vacate, set aside, or correct his
4 sentence pursuant 28 U.S.C. § 2255 (ECF No. 52) is **GRANTED**.

5 IT IS FURTHER ORDERED that defendant's abridged motion to vacate,
6 set aside, or correct his sentence pursuant 28 U.S.C. § 2255 (ECF No.
7 51) is **WITHDRAWN**.

8 DATED: This 25th day of July, 2017.

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11 UNITED STATES DISTRICT JUDGE
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